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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

04/03/2009

Sughrue Mion Zinn
Macpeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 04/03/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/031,405

01/18/2002

Frank Among

A7736

2070

TITLE OF INVENTION: METHODS AND APPARATUS FOR MANAGING A TOUR PRODUCT PURCHASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	07/06/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590

04/03/2009

Sughrue Mion Zinn
 Macpeak & Seas
 2100 Pennsylvania Avenue NW
 Washington, DC 20037-3202

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,405	01/18/2002	Frank Among	A7736	2070

TITLE OF INVENTION: METHODS AND APPARATUS FOR MANAGING A TOUR PRODUCT PURCHASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	07/06/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
BORISOV, IGOR N	3628	705-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reuply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/031,405

Examiner

Igor N. Borissov

Applicant(s)

AMONG ET AL.

Art Unit

3628

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final of 03/04/2009.
2. ☒ The allowed claim(s) is/are 1-13, 164 and 165.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Response to Amendment

Amendment received on 03/04/2009 is acknowledged and entered. Claims 14-163 and 166 have been canceled. Claims 8, 9 and 164 have been withdrawn. Claims 2, 4, 5, 8-13, 164 and 165 have been amended. Claims 1-13, 164 and 165 are currently pending in the application.

Claim Rejections under 35 USC § 112 and 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE SPECIFICATION

ABSTRACT

Components are displayed on a customer computer, each component having an attribute. A component is selected on a display by a customer. The information for the attribute for each selected component is manipulated by the customer. The manipulated attribute information for each selected component is transmitted to a server. Available travel packages are calculated, each available travel package including available components representing an inventory manipulated by a seller in real-time. The

calculated different travel packages are simultaneously displayed on the customer computer. The available component from each different available travel package is selected on the display. A final travel package is created by assembling the selected available components from each different available travel package. A reservation of the created final travel package is requested by the customer. A confirmation that the final travel package is reserved for the customer is generated and transmitted to the customer computer.

IN THE CLAIMS

1. (CURRENTLY AMENDED): A computer-implemented method for selecting a final travel package comprising at least two destinations, comprising:

displaying on a customer computer ~~at least two types of travel packages, where each type of travel packages has a unique combination of at least two of~~ a plurality of components, said plurality of components comprising air travel, hotel accommodations, and car rental, wherein each of said plurality of components having at least one attribute;

selecting on a display via user input by a customer at least one ~~type of travel packages from the displayed types of travel packages~~ component of said plurality of components;

manipulating by the customer information for at least one attribute for each selected ~~component of the selected type of travel packages~~;

transmitting by the customer computer to a server said manipulated attribute information received from said customer for each selected component ~~of the selected type of travel packages~~;

based on the transmitted manipulated attribute information, calculating by the server a plurality of available travel packages ~~for the selected type of travel packages~~, each of said available plurality of travel packages comprising at least two available components, each of the at least two available components corresponding to a value of each one of said plurality of components of the selected components type of travel packages, wherein each of the at least two available components represents inventory manipulated by a seller in real-time;

receiving and displaying simultaneously by said customer computer from said server the calculated plurality of travel packages;

selecting on the display via the user input by the customer at least one of the available components from each of at least two different displayed available plurality of travel packages;

creating a final travel package by assembling the selected ~~at least one of the~~ available components from each of the at least two different displayed available plurality of travel packages;

requesting by the customer a reservation of the created final travel package;

transmitting by the customer computer to said server said created final travel package and the reservation request;

generating by the server a confirmation that the final travel package is reserved for the customer in response to the transmitted reservation request; and

transmitting by the server to the customer computer the generated confirmation, wherein the created final travel package is a customized travel package.

2. (CURRENTLY AMENDED): The method of claim 1, further comprising:

coupling said customer computer to a network via a communications device;
providing said customer with a single user interface;

viewing by said customer at least two destinations via the single user interface;
and generating by said customer computer a single itinerary having a single price from said customer selection of the at least one of the available components from each of at least two different displayed available ~~plurality of~~ travel packages via the single user interface.

3. (CURRENTLY AMENDED): The method of claim 1, further comprising:

selecting by said customer ~~selecting~~ multiple airfares in a sequence of said at least two destinations.

4. (CURRENTLY AMENDED): The method of claim 1, further comprising:

sorting by the server said calculated plurality of available travel packages according to price; and

transmitting by the server to said customer computer the plurality of available travel packages sorted in a predetermined order based on the price.

5. (CURRENTLY AMENDED): The method of claim 1, further comprising:

transmitting by said customer computer ~~user-~~ customer-generated payment information to said server in response to said confirmation; and

receiving by said customer computer one of an approval and a denial of said final travel package in response to said customer-generated payment information.

6. (CURRENTLY AMENDED): The method of claim 5, wherein said transmitting by said customer computer customer-generated payment information to said server in response to said confirmation ~~customer computer transmitting customer-generated payment information~~ comprises transmitting by said customer computer transmitting to said server at least one of payment account information, billing address, company name, telephone contact information, and electronic mail address of said customer.

7. (CURRENTLY AMENDED): The method of claim 1, further comprising:

receiving by said customer computer ~~receiving~~ a customer-generated discount code indicative of a discount criteria of said customer;

transmitting said discount code to said server;

generating by the server a discount corresponding to said discount code.

8. (WITHDRAWN - CURRENTLY AMENDED): The method of claim 1, wherein

said seller comprises a vendor, the method further comprising:

selling said inventory via said server by the vendor, and

updating the server updates a datastore storing said inventory by the server by changing availability of said inventory in response to receiving said final travel package.

9. (WITHDRAWN - CURRENTLY AMENDED): The method of claim 8, wherein

said selling step further comprising: comprising said vendor

selling said ~~at least one~~ selected component comprising one of a hotel room, a vehicle rental, an air transportation ticket, a travel tour and a travel service or a product.

10. (CURRENTLY AMENDED): The method of claim 1, wherein said transmitting by the server to the customer computer ~~[[of]]~~ the generated confirmation further comprising~~[[es]]~~:

receiving by said customer computer ~~receiving~~ said confirmation from said server for at least one of said seller and a travel agent.

11. (CURRENTLY AMENDED): The method of claim 1, wherein said displaying step further comprising~~es~~ ~~displaying said at least two types of travel packages further~~ ~~comprising~~:

displaying reservation accommodations received in said customer computer.

12. (CURRENTLY AMENDED): The method of claim 11, wherein said transmitting by the customer computer to a server said manipulated attribute information received from said customer for each component of the selected type of travel packages to the server ~~said manipulated attribute information received from said customer for said selected ones of said components~~ further comprising~~[[es]]~~:

transmitting attribute information for at least one of:

said air travel comprising at least one of desired travel dates, desired travel times, desired airlines, and desired flight requests;

said car rental comprising at least one of desired vehicle type, desired vehicle rental price, and desired vehicle rental company;

said hotel accommodations comprising at least one of specific room type, hotel classification, hotel chain, and hotel rating; and

said reservation accommodations comprising surface tours, travel insurance, luggage, clothing, video entertainment, audio entertainment, and food products.

13. (PREVIOUSLY PRESENTED): The method of claim 1, further comprising:

combining by said customer ~~combining~~ at least one first component of a first travel package with at least one second component of a second travel package creating said final travel package; and

transmitting by said customer computer ~~transmitting~~ said at least one first component and said at least one second component to said server; and

calculating by the server a price for said created final travel package based on the transmitted first and second components,

wherein the travel packages are displayed together with prices.

14-163. (CANCELED)

164. (WITHDRAWN - CURRENTLY AMENDED): The computer-implemented method according to claim 1, further comprising:

when executing said calculating of the plurality of available travel packages options, for each of the plurality of calculated available travel packages, checking by the server ~~on-the-fly~~ in real-time availability of the inventory corresponding to a component of the option-travel package being calculated.

165. (CURRENTLY AMENDED): The computer-implemented method according to claim 1, wherein the manipulating step further comprising[[es]]:

inputting a value for said at least one attribute of the at least one selected ~~type of travel packages~~ component.

166. (CANCELED)

The following is an examiner's statement of reasons for allowance:

Allowable Subject Matter

Claims 1-7, 10-13, and 165 are allowed.

The following is an examiner's statement of reasons for allowance:

With regards to independent claim 1, the prior art of record neither anticipates, nor, alone or combined, renders obvious as a whole a method for selecting a final travel package, comprising:

manipulating by the customer information for at least one attribute for each component of the selected type of travel packages; transmitting by the customer computer to a server said manipulated attribute information received from said customer for each component of the selected type of travel packages; based on the transmitted manipulated attribute information, calculating by the server a plurality of available travel packages for the selected type of travel packages, each of said available plurality of travel packages comprising at least two available components, each of the at least two available components corresponding to a value of one of said plurality of components of the selected type of travel packages, wherein each of the at least two available components represents inventory manipulated by a seller in real-time; receiving and displaying simultaneously by said customer computer from said server the calculated plurality of travel packages; selecting on the display via the user input by the customer at least one of the available components from each of at least two different displayed

available travel packages; creating a final travel package by assembling the selected at least one of the available components from each of the at least two different displayed available travel packages.

The best domestic prior art, Tagawa (US 5,732,398) in view of Sobalvarro et al. (US 2006/0287897 A1) discloses:

displaying a plurality of components at a client computer, at least some of said plurality of components having a parameter; selecting by a user at least one of the displayed plurality of components; manipulating by the user information for at least one parameter of the at least one selected component; receiving by the server from the client computer a first input signal having the selected components and the manipulated at least one parameter; calculating by the server a plurality of options, each of said plurality of options having a suboption comprising a value corresponding to one of said plurality of components, and said value is generated in accordance with said user-determined value of said parameter; receiving by the client computer from the server the calculated plurality of options; selecting by the user various suboptions from at least two of the plurality of options; receiving by the server from the client computer the selected various suboptions; creating by the server the customized travel package comprising a plurality of destinations corresponding to said components, in an itinerary having a price; receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the user.

However, Tagawa in view of fails to teach or fairly suggest:

manipulating by the customer information for at least one attribute for each component of the selected type of travel packages; transmitting by the customer computer to a server said manipulated attribute information received from said customer for each component of the selected type of travel packages; based on the transmitted manipulated attribute information, calculating by the server a plurality of available travel packages for the selected type of travel packages, each of said available plurality of travel packages comprising at least two available components, each of the at least two available components corresponding to a value of one of said plurality of components of the selected type of travel packages, wherein each of the at least two available components represents inventory manipulated by a seller in real-time; receiving and displaying simultaneously by said customer computer from said server the calculated plurality of travel packages; selecting on the display via the user input by the customer at least one of the available components from each of at least two different displayed available travel packages; creating a final travel package by assembling the selected at least one of the available components from each of the at least two different displayed available travel packages.

The best foreign art, Ahlstrom et al. (WO 89/07798), while teaching creating travel packages based on customers' inputs, fails to teach or fairly suggest:

manipulating by the customer information for at least one attribute for each component of the selected type of travel packages; transmitting by the customer computer to a server said manipulated attribute information received from said customer for each component of the selected type of travel packages; based on the transmitted manipulated attribute information, calculating by the server a plurality of available travel packages for the selected type of travel packages, each of said available plurality of travel packages comprising at least two available components, each of the at least two available components corresponding to a value of one of said plurality of components of the selected type of travel packages, wherein each of the at least two available components represents inventory manipulated by a seller in real-time; receiving and displaying simultaneously by said customer computer from said server the calculated plurality of travel packages; selecting on the display via the user input by the customer at least one of the available components from each of at least two different displayed available travel packages; creating a final travel package by assembling the selected at least one of the available components from each of the at least two different displayed available travel packages.

The best NPL prior art, S-1/A document filed by EXPEDIA INC, while teaching obtaining data from various vendors in real-time for creating travel packages, fails to teach or fairly suggest:

manipulating by the customer information for at least one attribute for each component of the selected type of travel packages; transmitting by the customer computer to a server said manipulated attribute information received from said customer for each component of the selected type of travel packages; based on the transmitted manipulated attribute information, calculating by the server a plurality of available travel packages for the selected type of travel packages, each of said available plurality of travel packages comprising at least two available components, each of the at least two available components corresponding to a value of one of said plurality of components of the selected type of travel packages, wherein each of the at least two available components represents inventory manipulated by a seller in real-time; receiving and displaying simultaneously by said customer computer from said server the calculated plurality of travel packages; selecting on the display via the user input by the customer at least one of the available components from each of at least two different displayed available travel packages; creating a final travel package by assembling the selected at least one of the available components from each of the at least two different displayed available travel packages.

The reasons for allowance for the dependent claims 2- are same as set forth above for claim 1.

Rejoinder

Elected Invention Allowable, Rejoinder of All Previously Withdrawn Claims

Claim 1 is allowable. Claims 8, 9 and 164, are previously withdrawn from consideration as a result of a restriction requirement, include all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement as set forth in the Office action mailed on 10/19/2007, is hereby withdrawn and claims 8, 9 and 164 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 USC 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 821.01.

Therefore, Claims 1-13, 164 and 165 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
3/15/2009